IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE S.ANANDA REDDY**

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**WRIT PETITION NO : 15377 of 2005**

Between:

G. Raghavendra Reddy S/o G. Mukundareddy
Eadepally Post, WArangal District

**..... PETITIONER**

AND

1. A.P. Forest Development Corporation Ltd., rep by Managing Director A.C. Guards, Hyderabad.
2. The Divisional Manager, A.P.F.D.C. K.L. N. Reddy Colony, Subedari, Hanumakonda, Warangal District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or directions, more in the nature of Writ of Mandamus, declaring the office order NO. 35 of 2004 dated 31-12-2004 passed by 2nd respondent as illegal, arbitrary and violation of principles of natural justice and set aside the same with all consequential benefits including refund of recovered amount.

**Counsel for the Petitioner: MR.P.GOVINDA RAJULU**

**Counsel for the Respondents: MR.P.SREE RAMULU NAIDU**

**The Court at the admission stage made the following:**

**ORDER:**

This writ petition is filed aggrieved by the proceedings of the second respondent, dated 31.12.2004, under which, an amount of Rs.23,325/- stating to be the loss caused by the petitioner to the Corporation, ordered for recovery from the salary of the petitioner by way of instalments at the rate of Rs.1,000/- per month from January 2005.

According to the petitioner, the second respondent, who is the disciplinary authority, issued show cause notice-cum-charge memo dated 30.07.1999. The grievance of the petitioner that he was not issued any independent charge sheet, but only issued a notice as referred to above, for which, he has already submitted his explanation. Subsequent to his explanation, the second respondent conducted only oral enquiry, but did not conduct a domestic enquiry as contemplated under the Regulations. Therefore, the impugned order passed on 31.12.2004 is illegal and unsustainable, and hence the same is liable to be set aside.

Heard the learned counsel for the petitioner and the learned Standing

Counsel appearing for the respondent-Corporation.

In the impugned order itself, it is specifically stated that there is an effective alternative remedy of appeal to the petitioner before the Regional Manager, Hyderabad which is to be filed within 90 days from the date of receipt of a copy of the order.

In view of the fact that there is an effective alternative remedy of appeal to the petitioner before the Regional Manager, Hyderabad who can appreciate the facts that are placed before him, this Court declines to entertain the writ petition itself.

Accordingly, the writ petition is disposed of directing the petitioner to file an appeal before the appellate authority within a period of four weeks from the date of receipt of a copy of this order. No costs.

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15.07.2005

VGB

To

1. The Managing Director, A.P. Forest Development Corporation Ltd., A.C. Guards, Hyderabad.
2. The Divisional Manager, A.P.F.D.C. K.L. N. Reddy Colony, Subedari, Hanumakonda, Warangal District.
3. 2CD copies.